

REMARKS

Favorable reconsideration of this application and the Office Action of March 23, 2004 are respectfully requested in view of the foregoing amendment to the claims and the following remarks.

Claims 18, 12, 17-19 and 22 to 30 appear in this application as amended. Accompanying this amendment is the fee for the additional independent claim presented by this Amendment. Claims 6, 8, 12 and 16-19 stand withdrawn from consideration as being drawn to the non-elected species.

The indication in the Office Action of March 23, 2004 of the allowability of claims 22 to 27, if written in independent form, is noted with appreciation. Accordingly, claims 22, 23 and 24 have been written in independent format and claims 25 to 27 made dependent of these newly written allowable claims 22 to 24. Also, in view of the allowability of claims 22 to 24 and the fact that they are generic as to the inhibiting compound, claims 28 to 30 have been added and are therefore also allowable.

The rejection of claims 20 and 21 has been rendered moot by the cancellation of these two claims.

Thus, the only rejections remaining in the application are the 35 U.S.C. 102 (b) rejection of claims 1, 4, 5 and 7 and the 35 U.S.C. 103 rejection of claims 2 and 3 over US Patent 4,933,371 to Hink et al. It is respectfully submitted that both of these two rejections are erroneous and not grounded in the facts as disclosed in the cited reference.

The thrust of the Hink et al. patent disclosure is directed to compositions for treating (killing) ticks and fleas with a toxic (insecticidal) amount of certain compositions that include linalool (col. 3, lines 9 to 12) and most of the portions of the patent cited in the Office Action relates to compositions for ticks and fleas. The only cited portion of the reference

relating to mosquitoes is at column 12, line 43 to column 13, line 20. This disclosure relates to **sprayable solutions** containing large amounts of linalool (2.5, 5 and 10% linalool) employed **to kill mosquitoes**. Applicant's claimed compositions are different (patentably different) and unobvious from this disclosure. Applicant's compositions are not for killing mosquitoes. Rather, applicants composition are for dispensing into the atmosphere for inhibiting the scent tracking ability of mosquitoes to track humans (as the claims of the present application clearly state). Nothing in the disclosure of Hinks et al. teaches anyone skilled in the art that linalool has this effect on the scent tracking ability of mosquitoes when relatively small amounts are dispensed into the atmosphere. Furthermore, the disclosure in Hink et al. of dips, concentrates and shampoos are all to compositions with relatively large amounts of linalool for contacting the fleas, ticks and mosquitoes. As will be appreciated, the compositions of the present invention are not required to be sprayed onto mosquitoes. The compositions are compositions that are to be dispensed into the atmosphere to simply protect humans by having an atmosphere with dispensed linalool therein so that when mosquitoes enter the area they are unable to track humans. Thus, the disclosure in Hink et al. does not anticipate claims 1, 4, 5 and 7, nor render obvious claims 2 and 3, and withdrawal of these erroneous rejections is respectfully requested.

The Office Action also erroneously indicates that sesame oil and citric acid is "a waxy component". Neither sesame oil nor citric acid is "a waxy component" and there is no basis for categorizing either of them as such. Furthermore, Hink et al. does not employ sesame oil as a vehicle (waxy or porous), but rather as an insecticidal synergist. Citric acid is only disclosed as a component in a shampoo and is not employed as a waxy or porous vehicle. Thus, the rejections are erroneous for this additional reason and should be withdrawn.

In rejecting claims 2 and 3 for obviousness, the office Action dismisses the limitation of claims 2 and 3 as being obvious since "One having ordinary skill in the art would have been expected to determine the optimal amount of linalool". This conclusion is erroneous and without any basis. Since the disclosure in Hink et al. relates to insecticidal compositions for killing mosquitoes, it does not provide any teaching to lead one skilled in the

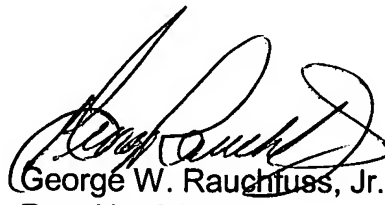
art to employ any amount of linalool in the environment for inhibiting the human scent tracking ability of mosquitoes, let alone optimizing the amount for such purpose. The patent relates to compositions containing large amounts of linalool, such as in dips, shampoos and sprays) for placing on or in contact with insects to kill them. There is no disclosure or teaching of compositions for releasing relatively small amounts of linalool from the composition into the atmosphere from a porous or waxy medium. Therefore, the rejections are erroneous for this additional reason and should be withdrawn.

For all the reasons stated hereinbefore it is submitted that both of the prior art rejection are erroneous and the PTO is respectfully requested to reconsider and withdraw these two rejections of the claims. With the withdrawal and allowance of these claims 1-5, 7, withdrawn claims 6, 8, 12 and 16-19 should be rejoined with the allowable generic claim 1 and also passed to issue.

It is respectfully submitted that the foregoing is a full and complete response to the Office Action and that all the claims are allowable for at least the reasons indicated. An early indication of their allowability by issuance of a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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